

REFERENCE TITLE: writ of restitution; criminal trespass

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2077

Introduced by
Representatives Nelson: Adams, Konopnicki, Lujan, McClure, Senator Waring

AN ACT

AMENDING SECTION 12-1178, ARIZONA REVISED STATUTES; RELATING TO THE WRIT OF RESTITUTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-1178, Arizona Revised Statutes, is amended to
3 read:

4 12-1178. Judgment; writ of restitution; limitation on issuance;
5 criminal violation

6 A. If the defendant is found guilty, the court shall give judgment for
7 the plaintiff for restitution of the premises, for all charges stated in the
8 rental agreement and for damages, attorney fees, court and other costs and,
9 at the plaintiff's option, ~~for~~ all rent found to be due and unpaid through
10 the periodic rental period, as described in section 33-1314, subsection C, as
11 provided for in the rental agreement, and shall grant a writ of restitution.
12 If the defendant's social security number is contained on the complaint at
13 the time of judgment, the person designated by the judge to prepare the
14 judgment shall ensure that the defendant's social security number is
15 contained on the judgment.

16 B. If the defendant is found not guilty, judgment shall be given for
17 the defendant against the plaintiff for damages, attorney fees, ~~AND~~ court
18 and other costs, and if it appears that the plaintiff has acquired possession
19 of the premises since commencement of the action, a writ of restitution shall
20 issue in favor of the defendant.

21 C. No writ of restitution shall issue until the expiration of five
22 calendar days after the rendition of judgment. The writ of restitution shall
23 be enforced as promptly and expeditiously as possible. The issuance or
24 enforcement of a writ of restitution shall not be suspended, delayed, ~~or~~
25 otherwise affected by the filing of a motion to set aside or vacate the
26 judgment or similar motion unless a judge finds good cause.

27 D. A DEFENDANT WHO IS LAWFULLY SERVED WITH A WRIT OF RESTITUTION AND
28 WHO REMAINS ON OR RETURNS TO THE PROPERTY WITHOUT THE EXPRESS PERMISSION OF
29 THE OWNER OF THE PROPERTY OR PERSON WITH LAWFUL CONTROL OF THE PROPERTY
30 COMMITS CRIMINAL TRESPASS IN THE THIRD DEGREE PURSUANT TO SECTION 13-1502.